

REMARKS

Claims 1, 2, 5-13, 16-21, and 23-35 are pending in the present Application. Claims 1, 21, 25, 26, and 30 have been amended, Claims 16-19, 31, 32, 34 and 35 have been cancelled, leaving Claims 1, 2, 5-13, 20, 21, 23-30, and 33 for consideration upon entry of this amendment.

Support for the amendments to the claims can be found in the Examples and throughout the specification. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2, 5-7, 10-13, 16, 17, 19-21, and 24-30 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent Application No. 2001/0031831 to Miyoshi et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al.

Miyoshi generally discloses compositions requiring polyphenylene ether, polyamide, an ethylene-alpha-olefin copolymer prepared using a single site catalyst, electroconductive filler, as well as an optional block copolymer. Miyoshi generally contemplates the use of a polyphenylene ether copolymer in paragraph 38. Miyoshi teaches in the examples and in the specification (paragraph 59) that the ethylene-alpha-olefin copolymer is, at least in part, modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof. As readily understood by one of ordinary skill in the art, the modification of the ethylene-alpha-olefin copolymer is to improve the compatibility between the ethylene-alpha-olefin copolymer and the phases of the polyphenylene ether/polyamide blend. As mentioned to by the Examiner, Miyoshi does not teach the combination of SEBS and SEP impact modifiers. Yonemitsu et al. has been cited for its teaching with regard to the polyphenylene ether copolymer and does not, by itself, provide adequate basis for a prima facie case of obviousness.

The amended claims explicitly recite compositions that do not contain an ethylene-alpha-olefin copolymer prepared using a single site catalyst that is at least partially modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof. Thus it is clear that the claimed compositions do not contain an ethylene-alpha-olefin copolymer prepared using a single site catalyst that is at least partially modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof, a element required by Miyoshi et al. Yonemitsu et al. has been cited for its teaching with regard to polyphenylene ether copolymers and does not, by itself, provide adequate basis for a rejection under 35 U.S.C. § 103(a). Because Miyoshi et al. does not teach or suggest a compatibilized polyphenylene ether-polyamide composition that does not contain an ethylene-alpha-olefin copolymer prepared using a single site catalyst that is at least partially modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof, the combination of Miyoshi et al. and Yonemitsu et al. does not form a prima facie case of obviousness for the amended claims.

Claims 1, 2, 5-7, 10-13, 16, 17, 19, 21, 26, 27, and 29 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over EP 0 924 261 to Koevoets et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al.

Koevoets et al. generally describe thermoplastic compositions comprising a compatibilized polyphenylene ether-polyamide resin blend which is modified with an impact modifier containing that are reactive with the polyamide resin. The preferred impact modifier is an alkylene-alkyl (meth)acrylate copolymer comprising at least two moieties selected from the group consisting of carboxylic acid, anhydride, epoxy, oxazoline, and orthoester.

The amended claims explicitly recite a composition which does not contain an alkylene-alkyl meth(acrylate) copolymer, an element required by Koevoets et al. Yonemitsu et al. has been cited for its teaching with regard to polyphenylene ether copolymers and does not, by itself, provide adequate basis for a rejection under 35 U.S.C. § 103(a). Because Koevoets et al. does not teach or suggest a compatibilized polyphenylene ether-polyamide composition that does not contain an alkylene-alkyl meth(acrylate) copolymer, the combination of Koevoets et al. and Yonemitsu et al. does not form a prima facie case of obviousness for the amended claims.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent Application No. 2001/0031831 to Miyoshi et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al. and further in view of U.S. Patent No. 6,528,572 to Patel et al. Miyoshi and Yonemitsu have been described above. Patel generally discloses a composition comprising polymeric resin, electrically conductive filler, and antistatic agents.

For reasons similar to those discussed above, the combination of Miyoshi et al., Yonemitsu et al. and Patel et al do not provide adequate basis for a rejection under 35 U.S.C. §103.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miyoshi in view of Yonemitsu and further in view of U.S. Pat. No. 6,277,907 to Gelbin. Claim 18 has been cancelled.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miyoshi in view of Yonemitsu and further in view of JP 2001-302095. Miyoshi and Yonemitsu have been described above. JP 2001-302095 has been cited for its teaching with regard to incorporating filler into a thermoplastic composition as part of a masterbatch. Applicants respectfully submit that the combination of Miyoshi et al., Yonemitsu et al. and JP 2001-302095 et al does not provide adequate basis for a rejection under 35 U.S.C. §103 for reasons similar to those discussed above with regard to Miyoshi and Yonemitsu.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

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